



priority than a potentially higher powered Station at Rochester, IN. However, what the FCC fails to point out is that the assignment of Channel 229A to Rochester, rather than Walton, will result in a more efficient allocation. In addition to permitting an increase in power of WROI(FM), it will result in the elimination of short-spacings which will better serve the public interest. Attached hereto, as Appendix A, is an Engineering Statement which establishes that the assignment of Channel 229A to Rochester will: (1) eliminate short-spacing between WDOV-FM and WROI(FM); (2) eliminate short-spacing between WROI(FM) and WSVH(FM) Huntington IN; (3) permit WDOV-FM to increase power to 6 kw, at a new site; and (4) at WDOV-FM's new site, eliminate existing short-spacing between WDOV-FM and WKGH(FM) Allegan, MI. and the short-spacing with an educational FM application at Howe, IN. (BPED-910320MA). Combined, the removal of these short-spacing, and the resulting freedom to improve facilities of all those Stations, better serves the public interest than granting the small town of Walton, IN. (1980 U.S. Census Population of 1,202) its first local outlet.

Counterproposal

4. However, if the FCC should conclude that despite the above-listed factors, Walton nevertheless is to be preferred over Rochester, for the allocation of Channel 229A, then, but not otherwise, DBC proposes the following counterproposal:

<u>City</u>	<u>Channel Number</u>	
	<u>Present</u>	<u>Proposed</u>
Walton, Indiana	---	229A
Rochester, Indiana	221A	293A

5. As set forth in the attached Engineering Statement, Appendix A, Channel 293A can be assigned to Rochester at WROI(FM)'s present transmitter site, and, although such would be slightly short-spaced, such short-spacing would be less than WROI(FM)'s existing short-spacing on Channel 221A, and, the short-spacing between WDOI-FM and WROI(FM) would be eliminated; the short-spacing between WROI(FM) and WSVH(FM) would be eliminated; WDOI-FM would be permitted to go to 6 kilowatts at a new site; and, at WDOI-FM's new site, the short spacing between WDOI-FM and WKGH(FM) and the proposed Howe, IN. educational FM would be eliminated, also.

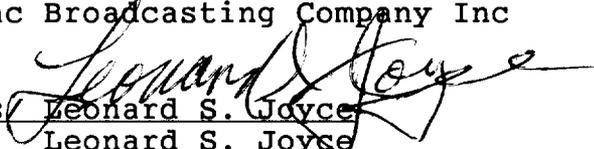
Conclusion

To Summarize, it is the position of DBC that the public interest will be better served by assigning Channel 229A to Rochester, IN. rather than Walton, IN. and to modify the license of Station WROI(FM) for operation on Channel 229A. If that is done DBC will reimburse the licensee of Station WROI(FM) for its reasonable and prudent expenses in such a frequency change. Alternatively, should the FCC determine that the public interest is better served by assigning Channel 229A to Walton, IN., then, but not otherwise, DBC proposes the assignment of Channel 293A to Rochester, IN., and the modification of WROI(FM)'s license for operation on Channel 293A, in which case, DBC will reimburse the licensee of Station WROI(FM) for its reasonable and prudent expenses involved in

that frequency change. In either event, DBC pledges to apply for the proposed improved facilities of WDW-FM, herein, (See Appendix A) and when granted promptly construct and commence operation.

Respectfully Submitted,

Dowagiac Broadcasting Company Inc

By:  /s/ ~~Leonard S. Joyce~~  
Leonard S. Joyce

Its Attorneys

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October 19, 1992

**Dowagiac Broadcasting Company, Inc.  
Post Office Box 150  
Dowagiac, Michigan**

**COMMENTS AND COUNTERPROPOSAL  
MM Docket 92-192  
October 1992**

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STATE OF ILLINOIS    )  
                                  )  
COUNTY OF PEORIA    )

F. W. Hannel, after being duly sworn upon oath, deposes and states:

He is a registered Professional Engineer, by examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor of Science and Master of Science degrees, both in Electrical Engineering;

His qualifications are a matter of public record and have been accepted in prior filings and appearances requiring scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him personally or under his supervision and direction and;

The facts stated herein are true, correct, and complete to the best of his knowledge and belief.

October 15, 1992.

  
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F. W. Hannel, PE

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**Dowagiac Broadcasting Company, Inc.  
Post Office Box 150  
Dowagiac, Michigan**

**COMMENTS AND COUNTERPROPOSAL  
MM Docket 92-192  
October 1992**

**ENGINEERING STATEMENT**

This firm has been retained by Dowagiac Broadcasting Company, Inc., licensee of Radio Station WDOV(FM), Dowagiac, Michigan to prepare this engineering statement in support of its Comments and Counterproposal in this proceeding. Radio Station WDOV(FM) has requested that the Commission amend the FM Table of Allotments to allow fully spaced FM Channel 221A available for use in Dowagiac, Michigan. In order to accommodate the proposed changes, WDOV requested that the Commission delete the presently assigned FM Channel 221A at Rochester, Indiana, and assign FM Channel 229A to that community. As was demonstrated in its Petition For Rulemaking, the requested assignment of FM Channel 229A to Rochester, Indiana, is less short-spaced than the presently assigned FM Channel 221A, and the requested channel substitution does remove a number of existing short-spacings at both Dowagiac, Michigan and Rochester, Indiana. In response to the request filed by WDOV, the Commission, through the issuance of a *Notice of Proposed Rulemaking* dated August 26, 1992, proposed either the substitution of FM Channel 229A at Rochester, Indiana, as requested by WDOV, or the assignment of FM Channel 229A to the community of Walton, Indiana, as that community's first local service.

In the *Notice of Proposed Rulemaking* issued in this proceeding, the Commission noted that the proposed allotment of FM Channel 229A at Walton, Indiana was of higher priority than the substitution requested by WDOV. Dowagiac Broadcasting, Inc., does, however, support the assignment of FM Channel 229A to Rochester, Indiana, for that proposal accomplishes a number of public interest goals. Namely, the proposal removes

the short-spacing between WDOF(FM) and WROI(FM), it allows the fully spaced allotment of FM channel 221A at Dowagiac, thereby removing existing short-spacings between WDOF(FM) and Radio Station WKGH(FM), Allegan, Michigan. Additionally, the assignment of FM Channel 221A to Dowagiac, Michigan removes a short-spacing to a pending application for FM Channel 220A at Howe, Michigan. At Rochester, Indiana, the substitution of FM Channel 229A for FM Channel 221A removes an existing short-spacing between WROI(FM) and WDOF(FM), and, additionally, removes a second short-spacing between WROI(FM) and WVSH(FM), Huntington, Indiana, which is operating on FM Channel 220A. Dowagiac Broadcasting Company, Inc., believes the public interest benefits inherent in the removal of numerous short-spaced allotments, as proposed, outweigh the limited public interest benefits attributable to the singular assignment of FM Channel 229A to the small community of Walton, Indiana.<sup>1</sup>

#### COUNTERPROPOSAL

Should the Commission decide that the assignment of FM Channel 229A to Walton, Indiana better serves the public interest, WDOF(FM) is requesting, through this counterproposal,<sup>2</sup> that the Commission substitute FM Channel 293A for the presently assigned FM Channel 221A at Rochester, Indiana. The substitute channel can be assigned at the present transmitter site of Radio Station WROI(FM) at Rochester, Indiana as an alternate equivalent Class A channel. The proposed assignment of the alternate channel at Rochester has nearly all of the same public interest benefits of the original proposal of WDOF, namely, the proposed substitution eliminates a number of short spacings that presently exist at Dowagiac and Rochester; the alternate channel is less short-spaced than

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<sup>1</sup>Walton, Indiana, has a population of 1202 persons, (Rand McNally Atlas, 1991 edition).

<sup>2</sup>The original proposal filed by Dowagiac Broadcasting Company, Inc., identified FM Channel 293A as an alternate equivalent channel, however, the Commission's Notice of Proposed Rulemaking in this proceeding did not mention the availability of the channel for use at Rochester, Indiana.

the presently assigned channel at Rochester; and, further, the proposed substitution allows the assignment of FM Channel 229A at Walton, Indiana, as that community's first local aural service. With the assignment of FM Channel 293A to replace the presently assigned FM Channel 221A at Rochester, Indiana, all of the parties to this proceeding receive benefits. The existing short-spacings at Dowagiac are eliminated, the substitute channel for Rochester is less short-spaced than the presently assigned channel, and the community of Walton, Indiana, receives its first local aural service. No community is deprived of an assignment, and each community receives some benefit.

As is more fully shown in Exhibit E-1, FM Channel 293A can be assigned to the community of Rochester, Indiana, at the present transmitter site of Radio Station WROI(FM), as an alternate equivalent channel,<sup>3</sup> in full compliance with the Commission's Rules. It is suggested that the allotment be made as a fully spaced Class A channel at reference co-ordinates N41-01-05, W86-22-13. This allotment reference site is located 8.7 miles from the city of Rochester, Indiana, (U.S. Atlas co-ordinates N41-03-54, W86-12-54), and a hypothetical transmitter operating from this fully-spaced site would fully comply with the Commission's mileage separation and city grade illumination requirements. Attached as Exhibit E-2 is an FM Channel study which shows that the allotment reference site fully complies with the mileage separation requirements.

The assignment of FM Channel 221A at Dowagiac, Michigan can be made as was originally proposed at reference site N41-56-29, W86-07-40. This reference site is located 3 miles southwest of Dowagiac, Michigan, (U.S. Atlas listed city co-ordinates N41-59-06, W86-06-30), and a transmitter operating from this reference site fully complies with the city grade illumination requirements of the Commission's Rules. Exhibit E-3 is an FM channel

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<sup>3</sup>WROI(FM) is presently a grandfathered short-spaced Class A allotment on FM Channel 221A. It is short-spaced with WDOW(FM), Dowagiac, Michigan, as well as with Radio Station WSVH(FM), Huntington, Indiana, operating on FM Channel 220A.

study conducted from the reference site which clearly shows that the allotment fully complies with the Commission's mileage separation requirements.

It is proposed that the FM Table of Allotments be amended as follows:

City	Present	Proposed
Dowagiac, Michigan	221A-	221A+
Rochester, Indiana <sup>4</sup>	221A-	293A+ or 293A-
Walton, Indiana	-----	229A+

The adoption of the changes proposed by Dowagiac Broadcasting Company, Inc., will result in the removal of several short-spacings that exist on FM Channel 221A, at both Dowagiac, Michigan and Rochester, Indiana, the assignment of a first local aural service to Walton, Indiana, and the assignment of an alternate equivalent channel at Rochester, Indiana that is less short spaced than the presently assigned FM Channel 221A-.

<sup>4</sup>With the present facilities of WROI(FM) licensed under the provisions of Section 73.215 of the Commission's Rules.

CERTIFICATE OF SERVICE

I, Snowdeen Dove, a secretary in the law firm of Blair, Joyce & Silva, do hereby certify that the foregoing Comments And Counterproposal Of Dowagiac Broadcasting Company, Inc. was served this 19th day of October, 1992, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

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/s/ Snowdeen Dove  
Snowdeen Dove